

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

Criminal No. 20-mj-30111

v.

Santiaro Deshawn Daniel,

Defendant.

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**MOTION AND BRIEF FOR LEAVE TO  
DISMISS COMPLAINT WITHOUT PREJUDICE**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America hereby moves for leave to dismiss without prejudice the complaint against Santiaro Deshawn Daniel. In this case, given the limited availability of the grand jury, the government will be unable to present the case to the grand jury and secure an indictment against the defendant within the time limitations set forth in the Speedy Trial Act, see 18 U.S.C. § 3161(b).

1. The unprecedented and exigent circumstances created by COVID-19 and related coronavirus health conditions have created a health emergency throughout the United States that has resulted in widespread societal disruption. On March 10, 2020, Governor Gretchen Whitmer announced a state of emergency following two confirmed cases of COVID-19 in Michigan. Subsequently, Governor Whitmer has issued executive orders continuing the state of emergency.

Further, on October 9, 2020, and again on November 18, 2020, the Michigan Department of Health and Human Services issued an emergency order finding that the COVID-19 pandemic continues to constitute an epidemic in Michigan and therefore provided guidelines on gatherings and mandated face coverings for indoor gatherings. See MDHHS Epidemic Order of October 9, 2020 and November 18, 2020.

2. In order to slow the spread of the outbreak and lessen the load placed on our healthcare systems, various restrictions were imposed on travel, access to public facilities, and government functions. As part of these efforts, on March 13, 2020, the Court postponed indefinitely most in-court proceedings before district judges and magistrate judges in the Eastern District of Michigan in all criminal (and civil) cases and matters. *See* Administrative Order 20-AO-021. Further, pursuant to Administrative Order 20-AO-034, grand jury proceedings were being conducted only on a limited basis. Even that limited basis was sporadic, depending on the severity of the outbreak of the virus at any particular time.

3. On September 23, 2020, the defendant made his initial appearance on a criminal complaint charging him with a violation of 21 U.S.C. § 841(a)(1).

4. On September 24, 2020, a detention hearing was held after which the Court ordered defendant detained pending trial. The Court set the preliminary hearing for October 7, 2020.

5. On October 6, 2020, the Court granted the request of the parties to adjourn the preliminary hearing to October 22, 2020.

6. After a substitution of attorneys, on October 22, 2020, the Court granted the request of the parties to adjourn the preliminary hearing and exclude the delay under the Speedy Trial Act in order to allow new counsel time to effectively prepare and to attempt to resolve the matter short of indictment.

7. Given the limited availability of the grand jury, including multiple grand jury sessions being cancelled within the last 30 days, the government will be unable to present the case to the grand jury and secure an indictment against the defendant within the time limitations set forth in the Speedy Trial Act, see 18 U.S.C. § 3161(b). Accordingly, the government requests leave to dismiss the complaint without prejudice.

Respectfully submitted,

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Dated: November 19, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on November 19, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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